

**REVENUE: No revenue impact**

**FISCAL: Minimal fiscal impact, no statement issued**

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**Action:** Do Pass  
**Vote:** 8 - 0 - 2  
**Yeas:** Barton, Cameron, Esquivel, Holvey, Kennemer, Thatcher, Witt, Schaufler  
**Nays:** 0  
**Exc.:** Edwards C., Matthews  
**Prepared By:** Theresa Van Winkle, Administrator  
**Meeting Dates:** 2/13

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**WHAT THE MEASURE DOES:** Establishes that records of the State Accident Insurance Fund Corporation (SAIF) are subject to the state's Public Records Law. Clarifies that sensitive business records or financial or commercial information not customarily provided to business competitors are conditionally exempt from disclosure. Outlines exceptions. Creates definitions for injured worker and employer records that are not subject to disclosure. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Overview of *Oregonians for Sound Economic Policy v. SAIF*, 187 Or App 621 (2003)
- Level of support from stakeholders

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Since 1929, ORS 656.701(1) has provided that with certain exceptions, the records of the State Accident Insurance Fund Corporation (SAIF) are open to public inspection. However, Oregon's Public Records Law was enacted by the 1973 Legislature, which allows access to any public record of a public body in Oregon, except when exempted by statute. Examples of exemptions include documents related to a personnel discipline action and employee's sensitive personal information (i.e. home address and Social Security number). In *Oregonians for Sound Economic Policy v. SAIF*, the Oregon Court of Appeals held that "records may be requested of SAIF under both the Public Records Law and under ORS 656.702."

The purpose of House Bill 2495 is to provide the public with the ability to access certain records of SAIF via reconnecting to the state's Public Records Law while establishing protections for some types of sensitive information. House Bill 2495 clarifies that sensitive business records or financial or commercial information not customarily provided to business competitors are conditionally exempt from disclosure. However, the exemption does not apply to formulas for determining dividends paid to employers insured by SAIF; contracts for advertising, public relations, or lobbying services or documents related to formulating such contracts; or group insurance contracts or documents relating to the formulation of such contractions (except for employer account records).

The measure also stipulates that SAIF's employer account records are also exempt from disclosure (records maintained in any form specifically related to the account of any employer insured, previously insured, or under consideration to be insured by SAIF), as well as any information obtained or developed by the corporation in connection with such activities with a specific employer (i.e. payroll records, premium payment history, and employee names and identification information). House Bill 2495 maintains the existing confidentiality of injured worker claim files.